

That's right!

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

RONALD JOHN THIBODEAUX,

Plaintiff,

V.

CAROLYN W. COLVIN,
Commissioner of Social Security,

Defendant.

3:14-CV-513-PLR-CCS

MEMORANDUM AND ORDER

This Social Security appeal is before the court on the Report and Recommendation filed by United States Magistrate Judge C. Clifford Shirley [R. 3]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

After a careful review of the record and the parties' pleadings, the court is in complete agreement with the Magistrate Judge that plaintiff has failed to show whether he presented a claim for benefits to the Social Security Administration, and he has failed to show whether he has exhausted his administrative remedies. The Magistrate Judge recommended that plaintiff be ordered to show cause as to why his Complaint should not be dismissed due to these jurisdictional deficiencies.

Accordingly, the court **ACCEPTS IN WHOLE** the Report and Recommendation under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). It is **ORDERED**, for the reasons stated in the Report and Recommendation, which the court adopts and incorporates into its ruling, that the plaintiff's application to proceed *in forma pauperis* [R. 2] is **GRANTED**.

Plaintiff is **ORDERED TO SHOW CAUSE** why his Complaint should not be dismissed for failure to state a claim upon which relief can be granted. The court will hold the record open for **thirty (30 days)**. If plaintiff fails to respond and amend his Complaint, this matter will be closed.

Enter:


UNITED STATES DISTRICT JUDGE